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**UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

IN RE SUBPOENA SERVED ON FORMER
SECRETARY OF EDUCATION
ELISABETH DEVOS

No. 3:21-mc-80075-WHA

RESPONSE TO MAY 10, 2021 ORDER

On May 10, 2021, the Court entered an order requesting that the parties submit “an organizational chart delineating the chain of command between former-Secretary DeVos and the four former officials already deposed in case No. C 19-03674 WHA, Principal Deputy Under Secretary Jones, Director Nevin, Chief Operating Officer Brown, and Acting Under Secretary Manning.” ECF No. 44. The Court further ordered the parties to “strive” to submit a joint filing. *Id.* The parties have met and conferred, but were unable to reach agreement on a joint filing. The Department of Education (“Department”) submits the following response.

Attached to this filing are three charts that, taken together, reflect the organizational structure that connects the Borrower Defense Group to the Department’s larger operation. The first

1 chart (Exhibit A) shows a high-level view of the Department’s operating structure. At the top is
2 the Office of the Secretary and Deputy Secretary, to which all other offices ultimately report. One
3 of the offices that reports to the Office of the Secretary and the Deputy Secretary is the Office of
4 the Under Secretary. During the time period relevant to this case, first James Manning (from April
5 2017-May 2018) and then Diane Jones (from May 2018-January 2021) exercised the duties of the
6 Under Secretary. This chart shows that several offices report to the Office of the Under Secretary,
7 including Federal Student Aid.

8 The second chart (Exhibit B) shows the organizational structure of Federal Student Aid
9 (“FSA”), which is comprised of several component offices. As relevant here, one of those offices
10 is Enforcement. The third chart (Exhibit C) shows in more granular detail the operating structure
11 of FSA. At the top is the Chief Operating Officer, a position that was occupied by James Manning
12 from January 2018 through March 2019 and General Mark Brown from March 2019 through
13 March 2021. Beneath the Chief Operating Officer is the Office of the Principal Deputy to the
14 Chief Operating Officer and then four other permanent offices, specifically the Office of Student
15 Experience and Aid Delivery, the Office of Partner Participation and Oversight, the Office of Stra-
16 tegic Measures and Outcomes, and the Office of Strategy, Innovation, and Transformation. The
17 second page of the third chart (Exhibit C) shows the organizational structure of the Office of Part-
18 ner Participation and Oversight, which oversees five directorates including, as relevant here, the
19 Partner Enforcement and Consumer Protection Directorate. This is the office that is referred to by
20 the shorthand “Enforcement” in the second chart (Exhibit B). There are five “groups” under the
21 “Enforcement” directorate, including the Borrower Defense Group. Colleen Nevin held the posi-
22 tion of Director of the Borrower Defense Group from 2017 to 2020 and is now Director of Partner
23 Enforcement and Consumer Protection.

24 Taken together, these charts demonstrate the following “chain of command,” strictly in
25 terms of who a given officer directly reports to¹: the Director of the Borrower Defense Group
26 directly reports to the Director of the Partner Enforcement and Consumer Protection Directorate;

27 ¹ Federal agencies develop policy through a number of means, taking into account the input of any
28 number of individuals, including both those that are listed on the formal chain of command and
those who are not.

1 who reports to the Director of the Office of Partner Participation and Oversight; who reports to the
2 Principal Deputy to the Chief Operating Officer of FSA; who reports to the Chief Operating Of-
3 ficer of FSA; who reports to the Office of the Under Secretary of Education; who reports to the
4 Offices of the Secretary and the Deputy Secretary.

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6 Dated: May 12, 2021

Respectfully submitted,

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